

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEON STAMBLER,

Plaintiff,

v.

INTUIT INC., et al

Defendants.

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CIVIL ACTION NO. 2:10-cv-181

JURY TRIAL DEMANDED

DOCKET CONTROL ORDER

In accordance with the Rule 26(f) conference held by the parties on October 8, 2010 and the status conference held with the Court on the 18th of October, 2010 it is hereby ORDERED that the following schedule of deadlines is in effect until further Order of this Court:

STEP	ACTION	RULE	AGREED DUE DATE
1	Initial Case Management Conference	P.R. 2-1; Fed. R. Civ. P. 26(f)	October 18, 2010
2	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions of a reasonable number of representative claims	P.R. 3-1	November 19, 2010
3	Patentee makes Document Production Accompanying Disclosure	P.R. 3-2	November 19, 2010
4	Initial Disclosures	Fed. R. Civ. P. 26(a)(1)	November 5, 2010
5	Accused Infringers serve Preliminary Invalidity Contentions	P.R. 3-3	January 21, 2011
6	Accused Infringers make Document Production Accompanying Preliminary Invalidity Contentions	P.R. 3-4	January 21, 2011

STEP	ACTION	RULE	AGREED DUE DATE
7	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringers and the Court		January 14, 2011
8	All parties make Exchange of Proposed Terms and Claim Elements for Construction	P.R. 4-1(a)	January 28, 2011
9	All parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	P.R. 4-1(b)	February 11, 2011
10	Deadline for early mediation at the Parties' request		April 25, 2011
11	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	P.R. 4-2	February 25, 2011
12	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	P.R. 4-2(c)	March 4, 2011
13	All parties jointly file Joint Claim Construction and Prehearing Statement	P.R. 4-3	March 11, 2011
14	Deadline to join other parties without leave of Court, which shall be at least 60 days before the deadline for filing dispositive motions		May 2, 2011
15	Deadline to file amended pleadings without leave of Court, which shall be at least 30 days before the deadline for filing dispositive motions		February 1, 2012
16	Completion of Claim Construction Discovery	P.R. 4-4	March 11, 2011
17	Patentee files opening claim construction brief	P.R. 4-5(a)	March 25, 2011

STEP	ACTION	RULE	AGREED DUE DATE
18	Accused infringers file responsive claim construction brief	P.R. 4-5(b)	April 22, 2011
19	Patentee files reply brief on claim construction	P.R. 4-5(c)	May 6, 2011
20	ONLY WITH LEAVE OF COURT Accused infringer files sur-reply brief on claim construction		May 12, 2011
21	Parties file Joint Claim Construction Chart	P.R. 4-5(d)	May 13, 2011
22	Pre-hearing Conference and technical tutorial if necessary		To be determined by the Court if needed.
23	Claim Construction Hearing	P.R. 4-6	May 25, 2011, at 9:00 a.m.
24	Court's Claim Construction Ruling		Subject to the Court's scheduling and/or use of a technical advisor
25	Patentee makes Final Infringement Contentions	P.R. 3-6(a)	The later of 30 days after claim construction ruling or January 4, 2012
26	Accused Infringer makes Final Invalidity Contentions	P.R. 3-6(b)	The later of 50 days after claim construction ruling or January 20, 2012
27	Accused Infringer makes disclosure relating to willfulness	P.R. 3-7	The later of 50 days after claim construction ruling or January 20, 2012
28	Accused Infringer makes Final Unenforceability Contentions and Document Production Accompanying Final Unenforceability Contentions		The later of 60 days after claim construction ruling or February 3, 2012
29	Deadline for completion of all fact discovery, which shall be at least 90 days before the final pre-trial conference		The later of 80 days after claim construction ruling or February 17, 2012
30	Deadline for disclosure of expert testimony on issues for which a party bears the burden of proof	Fed. R. Civ. P. 26(a)(2); L.R. CV-26(b)	The later of 90 days after claim construction ruling or March 2, 2011

STEP	ACTION	RULE	AGREED DUE DATE
31	Deadline for disclosure of rebuttal expert testimony	Fed. R. Civ. P. 26(a)(2); L.R. CV-26(b)	The later of 120 days after claim construction ruling or April 6, 2012
32	Deadline for late mediation at the Parties' request		June 29, 2012
33	Deadline for completion of expert discovery		The later of 30 days after rebuttal expert testimony or May 4, 2012
34	Deadline for objections to other parties' expert witnesses		The later of 40 days after rebuttal expert testimony or May 18, 2012
35	Deadline for filing dispositive motions, including motions on invalidity and unenforceability, which shall be at least 75 days before the initial pretrial conference		July 2, 2012
36	Deadline for filing all <i>Daubert</i> motions		July 2, 2012
37	Deadline for parties to make pretrial disclosures	Fed. R. Civ. P. 26(a)(3)	July 16, 2012
38	Patentee to provide to other parties its information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form		July 30, 2012
39	Defendants and Third-parties to Provide to Patentee their information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form		August 13, 2012

STEP	ACTION	RULE	AGREED DUE DATE
40	Parties to file Proposed Joint Final Pretrial Order, Proposed Jury Instructions, Joint Verdict Forms, and Motions in Limine. Prior to initial pretrial conference, parties shall confer with each other regarding the other party's Motion in Limine, deposition designations, and exhibits and shall submit to the Court in writing any objections they may have to the other party's Motions in Limine, deposition designations, and exhibits.		September 4, 2012
41	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits		Court will set at a later date.
42	Final Pretrial Conference before Judge David Folsom		October 1, 2012
43	Jury Selection before Judge David Folsom		Court will set at a later date.

SIGNED this 25th day of October, 2010.


 CHARLES EVERINGHAM IV
 UNITED STATES MAGISTRATE JUDGE